

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE UBS AG ERISA LITIGATION

No. 08 CV 06696 (RJS)

**DECLARATION OF ROBERT J. GIUFFRA, JR.**

ROBERT J. GIUFFRA, JR. hereby declares under penalty of perjury as follows:

1. I am a member of the bar of this Court, and a member of Sullivan & Cromwell LLP, counsel to defendants UBS AG, UBS Americas, Inc., UBS Financial Services, Inc. (“UBSFS”), the UBS AG Group Executive Board, Joe Scoby, Robert Wolf, the UBS Savings and Investment Plan (“SIP”) Retirement Board and Savings Plan Committee, Barbara Amone, Stephen Baird, Simon Canning, Michael Daly, Richard Duron, Per Dyrvik, Ursula Mills, Edward O’Dowd, Jaime Taicher, the UBSFS Executive Committee, the UBSFS Board of Directors, Dianne Frimmel, John Hannasch, Marten Hoekstra, Robert Chersi, Michael Weisberg, the UBSFS 401(k) Plus Plan (“Plus Plan”) Investment Committee, Ken Castanella, Earl Dodd, Marilee Ferone, William Frey, Matthew Levitan, Robert McCormick, Ed O’Connor, Kevin Ruth, Rhonda Viapiano, the Plus Plan Benefits Administration Committee, and the Plus Plan Administrator (collectively, “Defendants”) in the above-captioned action. I submit this declaration in support of Defendants’ Motion to Dismiss the Amended Class Action Complaint Pursuant to Rules 12(b)(1) and 12(b)(6).

2. Attached hereto are true and correct copies of the following:

Tom Barkley <i>et al.</i> , <i>IMF Sees U.S. Maladies Infecting World Economy</i> , WALL ST. J., Apr. 10, 2008	Exhibit 1
Damian Paletta <i>et al.</i> , <i>At Moment Of Truth, U.S. Forced Big Bankers To Blink</i> , WALL ST. J., Oct. 15, 2008	Exhibit 2
Table showing putative ERISA “stock drop” class actions against AIG, Bear Stearns, Citigroup, Lehman Brothers, Merrill Lynch, Morgan Stanley, UBS, Wachovia, and Washington Mutual and the decline in share price of those companies as listed by close of business day on the New York Stock Exchange from March 13, 2007 to October 16, 2008 (adjusted for stock splits, dividends, and rights offering)	Exhibit 3
Taveras SIP Investment Summary	Exhibit 4
McKevitt Plus Plan Investment Summary	Exhibit 5
Stanislaus Plus Plan Investment Summary	Exhibit 6
UBS AG, 2007 Annual Report (Form 20-F), filed with the Securities and Exchange Commission (“SEC”) on March 18, 2008 (Excerpted)	Exhibit 7
UBS AG SIP Plan Document, effective as of January 1, 2007	Exhibit 8
Plus Plan Document, effective as of January 1, 2006	Exhibit 9
UBSFS Plus Plan Notice	Exhibit 10
SIP Prospectus and Summary Plan Description (“SPD”)	Exhibit 11
Plus Plan SPD	Exhibit 12
Plus Plan Notice of Your Rights Concerning Investment in Employer Securities (December 31, 2006)	Exhibit 13
SIP Quarterly Statement Stuffer (May 23, 2007)	Exhibit 14

UBS AG, 1Q 2006 Report (Form 6-K), filed with the SEC on May 4, 2006 (Excerpted)	Exhibit 15
UBS AG, 2Q 2006 Report (Form 6-K), filed with the SEC on August 15, 2006 (Excerpted)	Exhibit 16
UBS AG, 3Q 2006 Report (Form 6-K), filed with the SEC on October 31, 2006 (Excerpted)	Exhibit 17
John C. Dugan, Comptroller of the Currency, Remarks Before the Global Association of Risk Professionals (February 27, 2008)	Exhibit 18
UBS AG, SHAREHOLDER REPORT ON UBS'S WRITE-DOWNS	Exhibit 19
Yalman Onaran, <i>Banks' Subprime Losses Exceed \$500 Billion as Writedowns Spread</i> , BLOOMBERG NEWS, Aug. 12, 2008	Exhibit 20
Yalman Onaran, <i>Subprime Bank Losses Reach \$312 Billion with RBS, Nomura</i> , BLOOMBERG.COM, Apr. 28, 2008	Exhibit 21
Meg Fletcher, <i>Trends: Subprime Fallout Could Cost Billions</i> , BUS. INS. INDUS. FOCUS, Apr. 1, 2008	Exhibit 22
Gabi Thesing, <i>German Consumer Confidence Rises on Oil-Price Drop</i> , BLOOMBERG.COM, Oct. 28, 2008	Exhibit 23
Table showing share prices of major financial institutions as listed by close of business day on the New York Stock Exchange from March 13, 2007 to October 16, 2008 (adjusted for stock splits and dividends)	Exhibit 24
UBS AG, PUTTING LIQUIDITY TO WORK: A GUIDE TO CASH ALTERNATIVES (2006)	Exhibit 25
UBS AG, 1Q 2008 Report (Form 6-K), filed with the SEC on May 6, 2008 (Excerpted)	Exhibit 26
Marcy Gordon, <i>Citigroup, UBS Buying Back \$30B in Securities</i> , ASSOCIATED PRESS ONLINE, Dec. 11, 2008	Exhibit 27

Evan Perez & Carrick Mollenkamp, <i>Top Banker Cited in Tax-Dodge Case</i> , WALL ST. J., Nov. 13, 2008	Exhibit 28
UBS AG, 2006 Annual Report (Form 20-F), filed with the SEC on March 21, 2007 (Excerpted)	Exhibit 29
Excerpts from UBS AG Annual Reports (Forms 20-F) filed with the SEC showing that UBS reported 9 straight profitable years from 1998-2006	Exhibit 30
UBS AG, 3Q 2007 Report (Form 6-K), filed with the SEC on October 30, 2007 (Excerpted)	Exhibit 31
UBS AG, 4Q 2007 Report (Form 6-K), filed with the SEC on February 14, 2008 (Excerpted)	Exhibit 32
UBS AG, 2Q 2008 Report (Form 6-K), filed with the SEC on August 14, 2008 (Excerpted)	Exhibit 33
UBS AG, Press Release (Form 6-K), filed with the SEC on October 16, 2008	Exhibit 34
UBS AG, 3Q 2008 Report (Form 6-K), filed with the SEC on November 4, 2008 (Excerpted)	Exhibit 35
Table showing UBS's credit ratings from Standard & Poor's, Moody's, and Fitch, from 4Q 2006 to 3Q 2008 and supporting excerpts from UBS Quarterly Reports (Forms 6-K) filed with the SEC	Exhibit 36
Table showing quarterly profits/losses from UBS's various divisions, from 1Q 2007 to 3Q 2008 and supporting excerpts from UBS Quarterly Reports (Forms 6-K) filed with the SEC	Exhibit 37
Table compiling certain statements concerning UBS AG by financial analysts between March 13, 2007 and October 16, 2008, and documents in support	Exhibit 38
UBS AG, Press Release (Form 6-K), filed with the SEC on December 12, 2007	Exhibit 39

Table showing UBS AG share prices as listed by close of business day on the New York Stock Exchange from March 13, 2007 to October 16, 2008 (adjusted for stock splits, dividends, and rights offering) Exhibit 40

McKevitt Severance Agreement Exhibit 41

McKevitt Employment Application Exhibit 42

Executed on January 16, 2009 in New York, New York.

\_\_\_\_\_/s/  
Robert J. Giuffra, Jr. (RG-9969)